Remarks/Arguments:

Claim Status

Claims 1-16 are pending.

Claims 1-6 and 8-16 stand rejected, while claim 7 is indicated to be allowable if rewritten in proper independent form.

By this Amendment, claims 1 and 14 are amended, new claims 17-36 are added and claims 2 and 8-11 are canceled without prejudice.

No new matter is added by the claim amendments and new claims and accordingly, entry and approval of same is respectfully requested. Support for the claim amendments and new claims is found throughout the original specification, and, more particularly, in original claim 2.

Allowable subject Matter

In the Office Action, at item 7, claim 7 is indicated to be allowable if rewritten in proper independent form to include all of the limitations of the base claim and any intervening claims.

Reconsideration is respectfully requested.

New claim 17

New claim 17 incorporates the subject matter of claim 7 in proper independent form, and is submitted to be allowable.

New claim 22

New claim 22, although not identical to claim 17, includes similar limitations and is also submitted to be allowable for similar reasons to those of claim 17.

New claims 18-21 and 23-24

New claims 18-21 and 23-24 include all of the limitations of claim 17 or claim 22 from which they depend, and are also submitted to be allowable for the

same reasons as claim 17 or claim 22.

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Claim 7

Claim 7 has been canceled without prejudice.

Accordingly, the objection to claim 7 is now moot.

Rejection of Claims 1-2, 8-10, 12-16 Under 35 U.S.C. § 102(e)

In the Action, at item 2, claims 1-2, 8-10, 12-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujimoto et al. (U.S. Patent No. 6,191,903). (hereafter referred to as "Fujimoto")

Reconsideration is respectfully requested.

Claim 1

Claim 1 is directed to a method of transmitting data packets, and recites "the variable pattern comprises a plurality of words, and the variable patterns are made by changing an order of the words."

Fujimoto Reference

In the Office Action, at the paragraph spanning pages 3 and 4, the Examiner contends that Fujimoto discloses "*wherein the variable patterns comprises a plurality of words, and the variable patterns are made by changing an order of the words* (Referring to Figure 3, the synchronization patterns **SY0** to **SY7** are assigned logical patterns of data comprising a variable portion (bytes 3 and 4 comprised of different composite patterns. See column 5, lines 33-38.)," (emphasis in original).

Applicants respectfully disagree with the Examiner. Fujimoto is silent regarding the variable patterns being made by changing the order of the words. Instead, FIG. 3 of Fujimoto shows eight synchronization patterns (labeled SY0 through SY7). Each synchronization pattern includes a variable pattern (shown on the left) and a fixed pattern (shown on the right). For each synchronization pattern

of Fujimoto, the variable pattern includes at least the first ten bits. Fujimoto, however, is silent regarding the variable pattern including a plurality of words such that they are made by changing an order of the words." This is because, for example, in these first ten bits of each variable pattern, either 1 or 3 bits are logic level "1". Thus, for example, changing the order of the bit structure of SY0 (with one logic level "1" bit) cannot produce SY1, SY2, SY3 or SY4 (with three logic level 1 bits).

Accordingly, it is submitted that claim 1 patentably distinguishes over Fujimoto for the reasons set forth above. Applicants request that the rejection of claim 1 be withdrawn.

Claim 14

Claim 14, although not identical to claim 1, includes patentable features similar to those of claim 1, and is also submitted to be patentable over Fujimoto for similar reasons to those of claim 1. Therefore, Applicants request that the rejection of claim 14 also be withdrawn.

Dependent Claims 12-13 and 15-16

Claims 12-13 and 15-16 include all of the limitations of claim 1, from which they ultimately depend. Accordingly, Applicants request that the rejection of these claims also be withdrawn for the same reasons as those set forth above for claim 1.

Claims 2 and 8-10

Claims 2 and 8-10 have been canceled without prejudice.

Accordingly, the rejection of these claims is now moot.

Rejection of Claims 3-6 Under 35 U.S.C. §103(a)

In the Action, at item 4, claims 3-6 are rejected under 35 U.S.C. §103(a) as being obvious over Fujimoto.

Reconsideration is respectfully requested.

Claims 3-6 include all of the limitations of claim 1, from which they ultimately depend. Accordingly, Applicants request that the rejection of these claims also be withdrawn for the same reasons as those set forth above for claim 1.

Rejection of Claims 1-6 and 12-16 Under 35 U.S.C. §103(a)

In the Action, at item 5, claims 1-6 and 12-16 are rejected under 35 U.S.C. §103(a) as being obvious over Johnson (U.S. Patent No. 5,289,476).

Reconsideration is respectfully requested.

Claim 1

Claim 1 is directed to a method of transmitting data packets, and recites "the variable pattern comprises a plurality of words, and the variable patterns are made by changing an order of the words."

Johnson Reference

In the Office Action, at the first full paragraph of page 9, the Examiner contends that Johnson teaches "*wherein the variable patterns comprises a plurality of words, and the variable patterns are made by changing an order of the words* (Referring to Figure 6A, word sync **611** comprised of 7-bits representing one of two states, either BPSK or QPSK. See column 10, lines 13-15.)," (emphasis in original).

Applicants respectfully disagree with the Examiner. Johnson is silent regarding the variable patterns being made by changing the order of the words. Instead, Johnson discloses that:

> The selection of an appropriate word sync pattern is **critical** to the proper detection the word sync position of the incoming bits regardless of misalignment of the bits and also in the face of single bit errors. In order to properly detect word sync and maintain single bit error immunity, a word sync pattern must be determined such that any offset from the correct input bit string produces a Hamming distance of at least three. With such an approach, any wrong position (i.e. misalignment) of the incoming data, even with a single bit error,

> will result in a Hamming distance of at least two, and thus will fail to sync ...

> Given that the transmitted bit sync pattern ends in the binary string 01010101, there are at least two word sync patterns of six bits each, 011000 and 110010, that satisfy the above criteria for maintaining a Hamming distance of three or greater. No five bit patterns satisfy all criteria,

(Emphasis added: See Johnson at column 8, line 65, to column 9, line 16).

Moreover, Johnson discloses other such patterns including seven-bit word sync patterns 611 (i.e., "0110000") and 616 (i.e., "0110111") (See Johnson at column 9, lines 53-55). Thus, similar to Fujimoto, in Johnson, each pair of variable sync patterns ("011000":"110010") or ("0110000":"0110111") does not include the same number of logic level "1" bits and therefore the order of one of these sync patterns cannot be changed to produce the other one of the sync patterns.

Accordingly, it is submitted that claim 1 patentably distinguishes over Johnson for the reasons set forth above. Applicants request that the rejection of claim 1 be withdrawn.

Claim 14

Claim 14, although not identical to claim 1, includes patentable features similar to those of claim 1, and is also submitted to be patentable over Johnson for similar reasons to those of claim 1. Therefore, Applicants request that the rejection of claim 14 also be withdrawn.

Dependent Claims 3-6 12-13 and 15-16

Claims 3-6, 12-13 and 15-16 include all of the limitations of claim 1, from which they ultimately depend. Accordingly, Applicants request that the rejection of these claims also be withdrawn for the same reasons as those set forth above for claim 1.

Claims 2 and 7

Claims 2 and 7 have been canceled without prejudice.

Accordingly, the rejection of these claims is now moot.

Rejection of Claims 8-11 Under 35 U.S.C. §103(a)

In the Action, at item 6, claims 8-11 are rejected under 35 U.S.C. 103(a) as being obvious over Johnson in view of Lawrence et al. (U.S. Patent No. 6,208,666).

Claims 8-11 have been canceled without prejudice.

Accordingly, the rejection of these claims is now moot.

New Claims 25-36

New claims 25-36 are added to provide a varying scope of protection, and are submitted to patentably distinguish for the recitations therein.

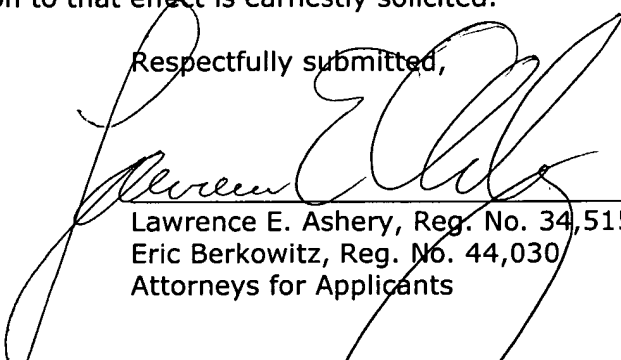Consideration and entry of these claims is respectfully requested.

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Conclusion

In view of the claim amendments, new claims and remarks set forth above, Applicants respectfully submit that claims 1, 3-6, 12-36 are in condition for allowance and an early notification to that effect is earnestly solicited.

Respectfully submitted,

_____
Lawrence E. Ashery, Reg. No. 34,515
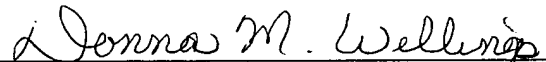Eric Berkowitz, Reg. No. 44,030
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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 17, 2006.

_____
Donna M. Wellings

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